

## EXHIBIT D

**From:** [kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)  
**To:** [Patrick McGill](#)  
**Cc:** [foster.brett@dorsey.com](mailto:foster.brett@dorsey.com); [JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com); [MBader@sheppardmullin.com](mailto:MBader@sheppardmullin.com); [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com); [nthomas@parsonsbehle.com](mailto:nthomas@parsonsbehle.com)  
**Subject:** RE: Blendtec's Responses to Blendjet's 3rd Set of Discovery Requests and 2nd Set of ESI Discovery Requests  
**Date:** Tuesday, March 14, 2023 4:34:39 PM  
**Attachments:** [image001.png](#)

---

Patrick -- Please see our comments in blue below:

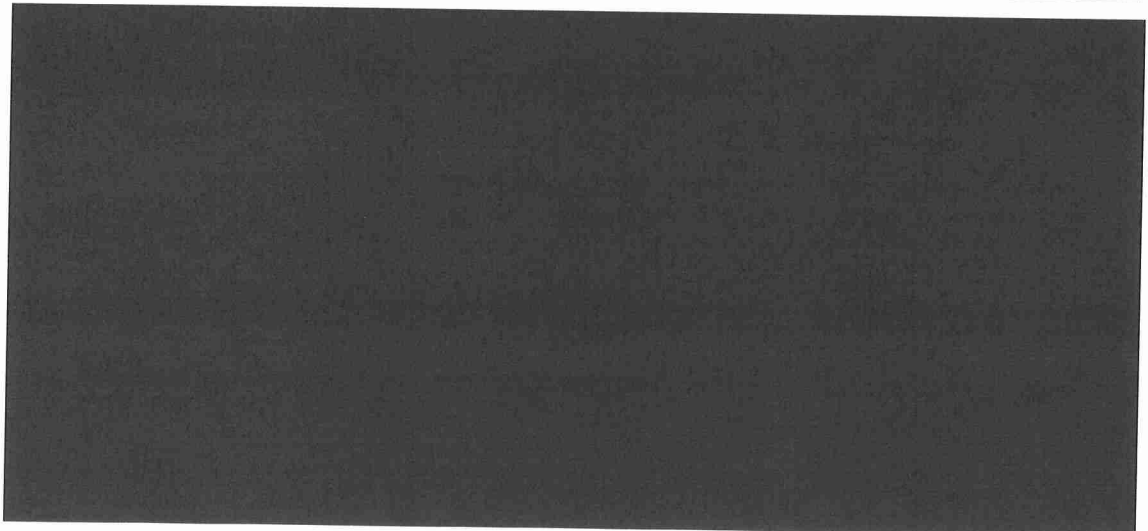
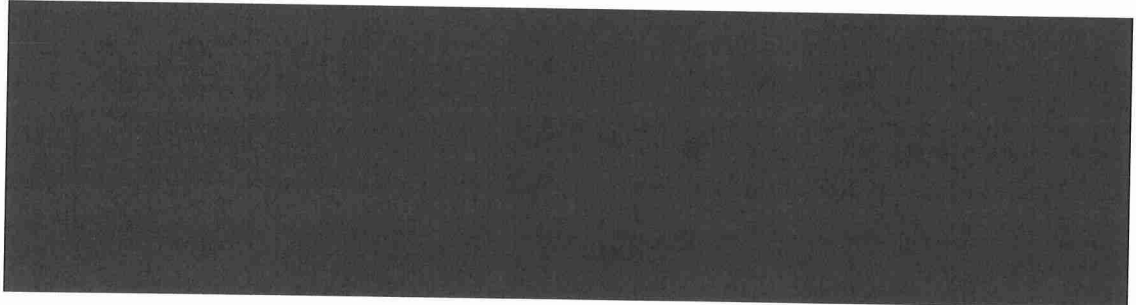
**From:** Patrick McGill <[patrick@mcgillco.com](mailto:patrick@mcgillco.com)>  
**Sent:** Friday, March 10, 2023 1:55 PM  
**To:** Kapaloski, Tammy <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>  
**Cc:** Foster, Brett <[foster.brett@dorsey.com](mailto:foster.brett@dorsey.com)>; [nthomas@parsonsbehle.com](mailto:nthomas@parsonsbehle.com); [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com); LegalTm-Blendjet-Blendtec <[legaltm-blendjet-blendtec@sheppardmullin.com](mailto:legaltm-blendjet-blendtec@sheppardmullin.com)>  
**Subject:** RE: Blendtec's Responses to Blendjet's 3rd Set of Discovery Requests and 2nd Set of ESI Discovery Requests

EXTERNAL FROM OUTSIDE DORSEY. BE CAUTIOUS OF LINKS AND ATTACHMENTS.

Dear Tammy,

Thanks to you and Brett for your time on Tuesday to discuss these issues. This email memorializes the issues that we discussed. We request that Blendtec provide the requested confirmations by this coming **Monday, March 13, at 5pm MST.**

1.



[REDACTED]

2.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3.

[REDACTED]

[REDACTED]

[REDACTED]

2.

[REDACTED]

[REDACTED]

3.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4 [REDACTED]

[REDACTED]

5. Blendtec's refusal to respond to the supplemental search terms that we provided. You stated that Blendtec would be standing on its objections and would be refusing to provide a search report or any production in response to BlendJet's Supplemental and Second Supplemental sets of search terms. Please confirm.

As stated, Blendjet served email production requests after the January 23<sup>rd</sup> deadline for serving written discovery. Blendtec will provide its formal written responses to Blendjet's untimely email production requests within the timeframe provided by Rule 34.

6. The scope of Blendtec's production in response to RFP 44 (re Enlisted Design and BYU). You stated that Blendtec would not search for, nor produce, any documents in response to RFP No. 44 other than those it has already produced in response to other BlendJet requests (i.e., any responsive documents other than the Enlisted Design and BYU studies produced many months ago, or in addition to emails produced because they hit on search terms other than "enlisted" and "byu"/"brigham young"). Please confirm.



You again mischaracterize the facts. Blendtec has made a reasonable search for and has produced non-privileged documents related to the marketing services performed by Enlisted Design or BYU on behalf of Blendtec. In addition, BYU and Enlisted Design are also producing their files related to the services they performed for Blendtec.

**From:** [kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com) <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>  
**Sent:** Monday, March 6, 2023 6:43 PM  
**To:** Patrick McGill <[patrick@mcgillco.com](mailto:patrick@mcgillco.com)>  
**Cc:** [foster.brett@dorsey.com](mailto:foster.brett@dorsey.com); [nthomas@parsonsbehle.com](mailto:nthomas@parsonsbehle.com); [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com); [MBader@sheppardmullin.com](mailto:MBader@sheppardmullin.com); [JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com)  
**Subject:** RE: Blendtec's Responses to Blendjet's 3rd Set of Discovery Requests and 2nd Set of ESI Discovery Requests

Patrick,

In addition to the topics in your emails below, please be prepared to discuss the following topics during tomorrow's meet and confer:

1. [REDACTED]
2. [REDACTED]

Regards,  
Tammy

**From:** Patrick McGill <[patrick@mcgillco.com](mailto:patrick@mcgillco.com)>  
**Sent:** Monday, March 6, 2023 12:56 PM  
**To:** Kapaloski, Tammy <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>  
**Cc:** Foster, Brett <[foster.brett@dorsey.com](mailto:foster.brett@dorsey.com)>; LegalTm-Blendjet-Blendtec <[legaltm-blendjet-blendtec@sheppardmullin.com](mailto:legaltm-blendjet-blendtec@sheppardmullin.com)>; [nthomas@parsonsbehle.com](mailto:nthomas@parsonsbehle.com); [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com)  
**Subject:** RE: Blendtec's Responses to Blendjet's 3rd Set of Discovery Requests and 2nd Set of ESI Discovery Requests

EXTERNAL FROM OUTSIDE DORSEY. BE CAUTIOUS OF LINKS AND ATTACHMENTS.

Tammy,

Tomorrow at 12pm PT/1pm MST works for us. I will circulate a Zoom invite for that time.

In addition to the topics outlined in my previous email, please be prepared to discuss the following topics:

1. [REDACTED]
2. [REDACTED]
3. Blendtec's refusal to respond to the supplemental search terms that we provided.
4. The scope of Blendtec's production in response to RFP 44 (re Enlisted Design and BYU).

Sincerely,  
Patrick

---

**From:** [kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com) <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>  
**Sent:** Thursday, March 2, 2023 4:15 PM  
**To:** Patrick McGill <[patrick@mcgillco.com](mailto:patrick@mcgillco.com)>  
**Cc:** [foster.brett@dorsey.com](mailto:foster.brett@dorsey.com); [MBader@sheppardmullin.com](mailto:MBader@sheppardmullin.com); [JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com); [nthomas@parsonsbehle.com](mailto:nthomas@parsonsbehle.com); [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com)  
**Subject:** RE: Blendtec's Responses to Blendjet's 3rd Set of Discovery Requests and 2nd Set of ESI Discovery Requests

Patrick,

We are available to meet and confer next Tuesday (March 7) after 10:00 am MST or on Wednesday (March 8) between 10am and 4pm MST. Please let us know a time that works for you. Also, Blendjet provided information in the following spreadsheets through July of 2022: JET1, JET6, JET7, JET262, and JET263. Please provide updated spreadsheets through the current time.

Thanks,  
Tammy

---

**From:** Patrick McGill <[patrick@mcgillco.com](mailto:patrick@mcgillco.com)>  
**Sent:** Monday, February 27, 2023 5:53 PM  
**To:** Kapaloski, Tammy <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>  
**Cc:** Foster, Brett <[foster.brett@dorsey.com](mailto:foster.brett@dorsey.com)>; [MBader@sheppardmullin.com](mailto:MBader@sheppardmullin.com); [JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com); [nthomas@parsonsbehle.com](mailto:nthomas@parsonsbehle.com); [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com)  
**Subject:** RE: Blendtec's Responses to Blendjet's 3rd Set of Discovery Requests and 2nd Set of ESI Discovery Requests

EXTERNAL FROM OUTSIDE DORSEY. BE CAUTIOUS OF LINKS AND ATTACHMENTS.

Dear Tammy,

We would like to schedule time this week to confer regarding Blendtec's Responses to BlendJet's recent discovery requests, namely:

- [REDACTED]
- [REDACTED]
- Blendtec's request to meet and confer in response to BlendJet Interrogatory Nos. 23 and 24, and RFP Nos. 45 and 49-50.

We are available to confer tomorrow between 1-3pm PT, this Wednesday after 2pm PT, or Thursday before 10am PT or between 2-4:30pm PT.

Sincerely,  
Patrick

**From:** [kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com) <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>

**Sent:** Wednesday, February 22, 2023 6:16 PM

**To:** Patrick McGill <[patrick@mcgillco.com](mailto:patrick@mcgillco.com)>; [MBader@sheppardmullin.com](mailto:MBader@sheppardmullin.com);  
[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com); [nthomas@parsonsbehle.com](mailto:nthomas@parsonsbehle.com); [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com)

**Cc:** [foster.brett@dorsey.com](mailto:foster.brett@dorsey.com); [stucki.sherri@dorsey.com](mailto:stucki.sherri@dorsey.com); [davis.trudi@dorsey.com](mailto:davis.trudi@dorsey.com)

**Subject:** Blendtec's Responses to Blendjet's 3rd Set of Discovery Requests and 2nd Set of ESI  
Discovery Requests

Counsel,

Please see the attached. The verification to the Interrogatory responses will be coming in the next day or two. In addition, our paralegal, Sherri Stucki will be sending you a supplemental document production that includes documents responsive to Blendjet's Third Set of Discovery Requests.

Regards,  
Tammy

**Tammy Kapaloski**

Senior Attorney



DORSEY & WHITNEY LLP  
111 South Main Street, Suite 2100  
Salt Lake City, UT 84111  
P:801.933.7360